

## **Title 17, California Code Of Regulations, Division 1, Chapter 8 Accreditation, Certification, And Work Practices For Lead-Based Paint And Lead Hazards**

(Final Version: Filed January 8, 1999)

### **Article 1. Definitions.**

#### **§35001. Abatement.**

“Abatement” means any set of measures designed to reduce or eliminate lead hazards or lead-based paint for public and residential buildings, but does not include containment or cleaning.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

#### **§35002. Accreditation.**

“Accreditation” means the Department has reviewed and finds acceptable a training provider’s written application for accreditation, and has conducted and finds acceptable, an on-site audit as specified in subsection 35078( e).

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

#### **§35003. Accredited Training Provider.**

“Accredited training provider” means any individual, corporation, partnership or other unincorporated association or public entity to which the Department has granted accreditation or provisional accreditation to offer lead-related construction courses and continuing education instruction.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

#### **§35005. Certified Lead Inspector/Assessor.**

“Certified lead inspector/assessor” means an individual who has received a certificate or an interim certificate from the Department as a “certified lead inspector/assessor.”

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

#### **§35006. Certified Lead Project Designer.**

“Certified lead project designer” means an individual who has received a certificate or an interim certificate from the Department as a “certified lead project designer”.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

#### **§35007. Certified Lead Project Monitor.**

“Certified lead project monitor” means an individual who has received a certificate or an interim certificate from the Department as a “certified lead project monitor”.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

#### **§35008. Certified Lead Supervisor.**

“Certified lead supervisor” means an individual who has received a certificate or an interim certificate from the Department as a “certified lead supervisor.”

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35009. Certified Lead Worker.**

“Certified lead worker” means an individual who has received a certificate from the Department as a “certified lead worker”.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35010. Certificate.**

“Certificate” means the document issued by the Department to an individual who meets the requirements for certification as described in sections 35083, 35085, 35087, 35089, or 35091.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35012. Certified Industrial Hygienist.**

“Certified industrial hygienist” (CIH) means a person who has met the education, experience, and examination requirements of an industrial hygiene certification organization governed by the American Board of Industrial Hygiene.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35013. Clearance Inspection.**

“Clearance inspection” means an on-site limited investigation, as described in Chapter 15: Clearance, sections II-VI, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” U.S. Department of Housing and Urban Development, June 1995.

Note: Authority cited: Sections 105250(a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code.

**§35014. Component.**

“Component” means a structural element or fixture, such as a wall, floor, ceiling, door, window, molding, trim, trestle, tank, stair, railing, cabinet, gutter, or downspout.

Note: Authority cited: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code.

**§35015. Contact Hour.**

“Contact hour” means 60 minutes of lead-related construction training which may include a break of not more than ten minutes.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35016. Containment.**

“Containment” means a system, process, or barrier used to contain lead hazards inside a work area such as described in “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” U.S. Department of Housing and Urban Development, June 1995, Chapter 8, “Containment and Barrier Systems,” Table 8.1, Table 8.2, and Table 8.3, or “Guide for Containing Debris Generated During Paint Removal Operations,” Steel Structures Painting Council, SSPC Publication No. 96-12, 1996.

Note: Authority cited: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code. Reference: Sections 105250 (a) and (b), and 124160 (b), and 124165, Health and Safety Code.

**§35018. Continuing Education.**

“Continuing education” means lead-related construction instruction, other than a course as described in section 35023, that satisfies the requirements specified in sections 35070 or 35072.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35019. Course Completion Form.**

“Course Completion Form” means documentation, on DHS Form 8493 (12/97), issued by an accredited training provider to an individual and the Department as proof of successful completion of a DHS-approved lead-related construction course or continuing education instruction.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35020. Demonstration Testing.**

“Demonstration testing” means the observation and scoring by an instructor or a guest instructor of an individual student’s job task and equipment use skills taught during a course or continuing education instruction.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35021. Department.**

“Department” means the California Department of Health Services (DHS).

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35022. Deteriorated Lead-Based Paint.**

“Deteriorated lead-based paint” means lead-based paint or surface coating that is cracking, chalking, flaking, chipping, peeling, non-intact, failed, or otherwise separating from a component.

Note: Authority cited: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code.

### **§35023. DHS-Approved Course.**

“DHS-Approved course” means any lead-related construction course that satisfies the requirements specified in sections 35056, 35057, 35061, 35065, 35066, or 35067 as determined by DHS pursuant to sections 35076 and 35078.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35025. Guest Instructor.**

“Guest instructor” means an individual who is responsible for providing less than 30% of training in any course.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35026. Hands-on Training.**

“Hands-on training” means training during which students practice skills that they will be expected to perform at the worksite.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35027. Industrial Building.**

“Industrial building” means a structure that is used primarily for industrial activity, which is generally not open to the public, including but not limited to, warehouses, factories, and storage facilities. “Industrial building” does not include any structure which fits the definition of a public building or a residential building.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35028. Instructor.**

“Instructor” means an individual who is responsible for providing 30% or more of training in any course or continuing education instruction.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference cited: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35029. Interactive/Participatory Teaching Methods.**

“Interactive/participatory teaching methods” means instruction which consists of active participation of the students, such as brainstorming, hands-on training, demonstration and practice, small group problem-solving, learning games, discussions, risk mapping, field visits, walk-throughs, problem-posing, group work assignments, homework review sessions, question-and-answer periods, skits, or role-playing sessions. Lecture is not considered an interactive/participatory teaching method.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference cited: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35030. Interim Certificate.**

“Interim certificate” means the document issued by the Department to an individual who meets requirements for interim certification as described in section 35093.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35032. Job Tasks.**

“Job tasks” mean the specific activities performed in the context of work.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35033. Lead-Based Paint.**

Lead-based paint” means paint or other surface coatings that contain an amount of lead equal to, or in excess of one milligram per square centimeter (1.0 mg/cm<sup>2</sup>) or more than half of one percent (0.5%) by weight.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35034. Lead Certification Examination.**

“Lead certification examination” means the statewide examination offered by the Department to applicants for certification.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35035. Lead-Contaminated Dust.**

“Lead-contaminated dust” means dust that contains an amount of lead equal to, or in excess of, fifty micrograms per square foot (50 µg/ft<sup>2</sup>) for interior floor surfaces, two hundred and fifty micrograms per square foot (250 µg/ft<sup>2</sup>) for interior horizontal window surfaces, and eight hundred micrograms per square foot (800 µg/ft<sup>2</sup>) for exterior floor and exterior horizontal window surfaces.

Note: Authority cited: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code. Reference: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code.

**§35036. Lead-Contaminated Soil.**

“Lead-contaminated soil” means bare soil that contains an amount of lead equal to, or in excess of, four hundred parts per million (400 ppm) in children’s play areas and one thousand parts per million (1000 ppm) in all other areas.

Note: Authority cited: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code. Reference: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code.

### **§35037. Lead Hazard.**

“Lead hazard” means deteriorated lead-based paint, lead contaminated dust, lead contaminated soil, disturbing lead-based paint or presumed lead-based paint without containment, or any other nuisance which may result in persistent and quantifiable lead exposure.

Note: Authority cited: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code. Reference: Sections 17920 (l), 17920.3 (C) and (k), 105250 (a) and (b), 105280 (g), 124160 (b), and 124165, Health and Safety Code; Sections 1941, 3479, 3480, and 3481, Civil Code; Section 17274(b), Revenue and Taxation Code; and Section 11349 (c) and (e), Government Code.

### **§35038. Lead Hazard Evaluation.**

“Lead hazard evaluation” means the on-site investigation, for compensation, of lead-based paint or lead hazards, such as a lead inspection, risk assessment, and clearance inspection, for public and residential buildings, but does not include activities intended to determine adequacy of containment or compliance with the regulatory requirements specified in Title 8, California Code of Regulations, section 1532.1, Title 17, California Code of Regulations, sections 70100 and 70200, Title 22, California Code of Regulations, Division 4.5, Chapters 10, 11, 12, 13, and 18, and California Health and Safety Code, section 25163, subdivision (C).

Note: Authority cited: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code.

### **§35039. Lead Inspection.**

“Lead inspection” means a surface by surface investigation to determine the presence of lead-based paint as described in Chapter 7: Lead-Based Paint Inspection, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” U.S. Department of Housing and Urban Development, 1997 Revision.

Note: Authority cited: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code.

### **§35040. Lead-Related Construction Work.**

“Lead-related construction work” means any construction, alteration, painting, demolition, salvage, renovation, repair, or maintenance of any residential or public building, including preparation and cleanup, that, by using or disturbing lead-containing material or soil, may result in significant exposure of adults or children to lead.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35041. Photo Identification Number.**

“Photo identification number” means the number listed on a form of photo identification, such as a passport or California Department of Motor Vehicles driver’s license or identification card, which matches a trained individual with a Course Completion Form.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35042. Postsecondary Education.**

“Postsecondary education” means education completed at a junior college, college, or university accredited by a national or regional accrediting agency which is recognized by the U.S. Department of Education or a state agency authorized to approve such institutions.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35043. Presumed Lead-Based Paint.**

“Presumed lead-based paint” means paint or surface coating affixed to a component in or on a structure, excluding paint or surface coating affixed to a component in or on a residential dwelling constructed on or after January 1, 1979, or a school constructed on or after January 1, 1993.

Note: Authority cited: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code. Reference: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code, Section 32241(b), Education Code.

**§35044. Provisional Accreditation.**

“Provisional accreditation” means the Department has reviewed and finds acceptable a training provider’s written application for accreditation, but has not conducted an on-site audit as specified in subsection 35078(e).

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35045. Public Building.**

“Public building” means a structure which is generally accessible to the public, including but not limited to, schools, daycare centers, museums, airports, hospitals, stores, convention centers, government facilities, office buildings and any other building which is not an industrial building or a residential building.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35046. Residential Building.**

“Residential building” means a structure which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35047. Risk Assessment.**

“Risk Assessment” means an on-site investigation to determine the existence, nature, severity, and location of lead hazards, as described in Chapter 5: Risk Assessment, section II (A), (B), (C) and (D), “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing”, U.S. Department of Housing and Urban Development, June 1995.

Note: Authority cited: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code.

**§35048. Train-the-Trainer Course.**

“Train-the-trainer course” means a course that includes, but is not limited to, instruction in the planning and teaching of adult education, adult learning principles, designing training objectives, selecting and designing training activities, creating an effective learning environment, facilitating group involvement and discussions, and strategies for dealing with difficult training situations and difficult learners.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35049. Training Director.**

“Training Director” means the individual, designated by an accredited training provider, who monitors the performance and qualifications of instructors and guest instructors, the quantity and quality of training provided, and who is responsible for ensuring that an accredited training provider complies with the requirements for accreditation.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

**§35050. Work Area.**

“Work area” means an area where lead-based paint or presumed lead-based paint is disturbed, or abatement is conducted.

Note: Authority cited: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code.

## **Article 2. Eligibility Requirements for Accreditation and Course Approval.**

### **§35051. Representation of Accreditation Status.**

Unless accredited pursuant to the requirements of this chapter, no person shall represent himself or herself as, or do business as, an accredited training provider.

Note: Authority cited: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 16240 and 17200, Business and Professions Code.

### **§35052. Eligibility Requirements.**

To qualify for and maintain accreditation, a training provider shall conduct at least one DHS-approved course in California at least once during each calendar year, satisfy the applicable requirements specified in sections 35053 and 35054 and comply with all applicable requirements specified in sections 35076 and 35078.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35053. Personnel Requirements.**

- (a) Each course shall be administered by a Training Director with the following minimum qualifications:
  - (1) Two years of experience administering training programs or two years of experience teaching or training adults;
  - (2) Successful completion of a 40 hour train-the-trainer course, or two years experience teaching or training adults, or an associate degree or higher in education from a postsecondary educational institution;
  - (3) A bachelor or graduate-level degree in building construction technology, engineering, industrial hygiene, safety, or health, or two years of experience managing an environmental or occupational health and safety program; and
  - (4) Successful completion of 24 contact hours of lead-related construction training from any of the required topics listed in sections 35056, 35057, 35061, or 35065.
- (b) Each course shall be taught by an instructor with the following minimum qualifications:
  - (1) Successful completion of a 40 hour train-the-trainer course, or one year of experience teaching or training adults, or an associate degree or higher in education from a postsecondary educational institution;
  - (2) Successful completion of 24 contact hours of lead-related construction training from any of the required topics listed in sections 35056, 35057, 35061, or 35065.
  - (3) One year of experience related to health, safety, or regulatory aspects of lead-related construction in the topic area of the lead-related construction course they will be teaching, or one year of lead-related construction experience in the topic area of the lead-related construction course they will be teaching, or DHS certification in the discipline of the course in which they will be teaching. Except that, instructors of hands-on training shall have two years of lead-related construction or related experience in the topic area of the lead-related construction course they will be teaching; and
  - (4) Successful completion of seven contact hours of continuing education instruction annually.
- (c) Only an instructor receiving a satisfactory annual performance review by the Training Director shall provide course or continuing education instruction, unless the instructor is also the Training Director.
- (d) Each qualified guest instructor shall have a minimum of one year of experience related to the subject matter that they teach. Except that, guest instructors of hands-on training shall have a minimum of two years of lead-related construction or related.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35054. Operational Requirements.**

- (a) An accredited training provider shall provide facilities for classroom instruction, hands-on training, and simulated field visits. The training provider shall also provide equipment, instructional material, and instructor personnel to provide training needed to achieve the objectives for which the course or

- continuing education instruction is offered. Equipment shall be maintained in proper working condition and licensed and stored in compliance with applicable requirements and regulations.
- (b) A student-to-instructor ratio of not greater than ten to one shall be maintained during hands-on training and instructors shall provide attention to and observation of each student's activities.
  - (c) Only an accredited training provider shall be approved to offer continuing education instruction.
  - (d) An accredited training provider shall administer a final examination to eligible students seeking a Course Completion Form in each course or continuing education instruction.
  - (e) A minimum score of 70% shall be considered a passing score on a final examination.
  - (f) An accredited training provider shall allow a student who fails to attain a passing score on a final examination to retake the examination up to two more times within 30 calendar days from the date the original examination was given. These examinations shall be different from, but equivalent to, the original final examination.
  - (g) Within 30 calendar days of a student passing a final examination, an accredited training provider shall issue a completed Course Completion Form to the student and the Department.
  - (h) A final examination shall be designed to test a student's knowledge of information and ability to perform job tasks taught in a course or continuing education instruction. This examination may be administered verbally or in written form, shall be given to student's individually, shall include demonstration testing if hands-on training is done, and shall consist of the following:
    - (1) Demonstration testing shall comprise a minimum of 15% and shall not exceed 35% of the final examination, except for the lead-related construction work course which shall not exceed 50%;
    - (2) A minimum of 100 questions for the lead-related construction inspection and assessment course and the lead-related construction supervision and project monitoring course;
    - (3) A minimum of 75 questions for the lead-related construction Certified Industrial Hygienist course;
    - (4) A minimum of 50 questions for the lead-related construction work course, the lead-related construction project design course, and the lead-related construction supplemental supervision and project monitoring course; or
    - (5) A minimum of five questions for each contact hour of continuing education instruction.
  - (i) DHS Form 8493 (12/97), Course Completion Form, shall contain the following information:
    - (1) Student's name, residence address (and mailing address, if different), telephone number, and date of birth;
    - (2) Student's photo identification number and description of type of identification document;
    - (3) Student's authorization to release, to the Department, information contained on DHS Form 8493 (12/97), Course Completion Form;
    - (4) Student's verification of understanding that possession of the Course Completion Form does not constitute certification by DHS;
    - (5) Student's verification of understanding that, to be eligible for interim certification or certification renewal, an application for interim certification or certification shall be made to DHS within one year of successful completion of the final examination;
    - (6) Student's signature and date;
    - (7) Accredited training provider's name;
    - (8) Title and number of the course or continuing education instruction;
    - (9) Number of contact hours completed;
    - (10) Dates and location(s) of the course or continuing education instruction and DHS Form 8493 (12/97) Course Completion Form Number and date of student's completion of core instruction if different;
    - (11) Date the student passed the course or continuing education final examination; and
    - (12) Training Director's name, printed or typed, signature, and date verifying, under penalty of perjury, that all information contained on DHS Form 8493 (12/97), Course Completion Form, is true and correct.
  - (j) An accredited training provider shall maintain, at its principal place of business in California, for at least five years, accurate records of the following:
    - (1) Daily student attendance;
    - (2) Examination results for each student, including results of demonstration testing;
    - (3) Completed Course Completion Forms;



- (4) Training Director and instructor qualifications;
  - (5) Documentation of approval or authority to operate granted by the Bureau for Private Postsecondary and Vocational Education;
  - (6) Current course curriculum materials and documents reflecting any changes made to these materials;
  - (7) Examinations for each course, including demonstration testing protocol; and
  - (8) Completed student evaluation forms for each course.
- (k) An accredited training provider shall notify DHS at least 48 hours prior to offering or canceling a course or continuing education training. The notification shall include type of course or training, instructor(s), date(s), time(s), and location(s), including street address.
- (l) An accredited training provider shall submit documentation of instructor qualifications as specified in Section 35053(b) to DHS at least 48 hours prior to an instructor teaching a course or continuing education.
- (m) An accredited training provider shall maintain approval or authority to operate granted by the Bureau for Private Postsecondary and Vocational Education.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## Article 3. Core Instruction.

### §35055. Core Instructional Requirements.

- (a) Each course, except the lead-related construction work course, shall include a minimum of five contact hours of the following core instructional requirements:
- (1) At least one contact hour of background information on lead and health effects related to lead exposure, including:
    - (A) Identification of sources of environmental lead such as surface dust, soil, water, air, and food;
    - (B) History of uses and locations of lead and leaded paint in buildings;
    - (C) Lead contaminated dust and lead-based paint properties;
    - (D) Summary of lead abatement control options, including interim controls;
    - (E) The nature of lead-related diseases;
    - (F) Pathways of exposure in children and adults;
    - (G) Dose-response relationships, and blood lead levels in children and adults;
    - (H) Effects on the nervous, reproductive (male and female), musculo-skeletal, cardiovascular, and blood-forming systems and kidneys;
    - (I) Different effects on children and adults, including women during pregnancy;
    - (J) Symptoms and diagnosis of poisoning in children and adults and DHS-reportable blood lead levels;
    - (K) Medical treatment for lead poisoning, including, chelation therapy; and
    - (L) How lead in the body is absorbed, distributed, and eliminated.
  - (2) At least one contact hour on relevant federal, state and local regulatory requirements including:
    - (A) Requirements for the identification, management, transport, record keeping, and disposal of hazardous waste set forth in Title 22, California Code of Regulations, Division 4.5, Chapters 10, 11, 12, 13, and 18, and Health and Safety Code section 25163, subdivision (c), and Chapter 6.5, Article 10.8 of the Health and Safety Code;
    - (B) Ambient Air Quality Standards for lead set forth in Title 17, California Code of Regulations, sections 70100 and 70200;
    - (C) Injury and Illness Prevention Program requirements set forth in Title 8, California Code of Regulations, sections 1509 and 3203;
    - (D) California's Construction Safety Orders set forth in Title 8, California Code of Regulations, section 1532.1; and
    - (E) Standards for hazard communication in the work place set forth in the "Clear and Reasonable Warnings," Title 22, California Code of Regulations, subsections 12601(c) & (d) and in "Hazard Communication," Title 8, California Code of Regulations, section 5194.
  - (3) At least one contact hour on respiratory protection and personal protective equipment including:

- (A) Standards and criteria for establishing a respiratory protection program set forth in Title 8, California Code of Regulations, sections 5141 and 5144 and Occupational Safety and Health Administration (OSHA) respirator requirements set forth in 29 Code of Federal Regulations, section 1910.134 (1998);
  - (B) Classes and characteristics of respirators;
  - (C) Limitations of respirators;
  - (D) Proper selection, inspection, donning, doffing, use, maintenance, and storage procedures for respirators;
  - (E) Methods for field testing the face piece seal (user seal check procedures);
  - (F) Qualitative and quantitative fit testing procedures;
  - (G) Factors that alter respirator fit, e.g. facial hair;
  - (H) Selection and use of personal protective clothing;
  - (I) Storage and handling of non-disposable clothing; and
  - (J) Proper use of protective clothing and equipment set forth in the Construction Safety Orders, California Code of Regulations, title 8, section 1532.1.
- (4) Discussion of the roles and responsibilities of the interim certified individual, the need for further on-the-job-training and the need to work with other personnel during lead-related construction activities, including public health and housing agency officials.
- (b) Individuals in possession of a DHS Form 8493 (12/97), Course Completion Form in any course, except a lead-related construction work course, shall not be required to retake the core instructional requirements when seeking a Course Completion Form in another course, provided the course begins no more than three years after the date of the final examination on the initial Course Completion Form.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## **Article 4. Lead-Related Construction Inspection and Assessment Course.**

### **§35056. Course Requirements.**

- (a) A lead-related construction inspection and assessment course shall consist of a minimum of 40 contact hours which includes core instructional requirements specified in section 35055, methodology requirements specified in subsection 35056(b), hands-on training, as specified in subsection 35056 (c), and classroom instruction, as specified in subsection 35056(d)
- (b) At least 16 of the 40 required contact hours shall be taught using interactive/participatory teaching methods, which includes at least ten contact hours of hands-on training.
- (c) Hands-on training shall include performance of tasks associated with:
  - (1) Inspection and hazard assessment techniques as specified in "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision;
  - (2) Participation in a simulated field visit which includes:
    - (A) Walk-through building inspection;
    - (B) Discussion of data collection, including sample location determination; and
    - (C) Practice with an X-ray Fluorescence (XRF) analyzer.
- (d) Classroom instruction shall include:
  - (1) Federal guidelines as specified in "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision.
  - (2) State regulations specified in Title 17, California Code of Regulations, Division 1, Chapter 8, Sections 36000 and 36100.
  - (3) Roles and responsibilities of local health officials versus private sector Inspector / Assessors when conducting lead hazard assessments.
  - (4) Potential hazard exposure circumstances, including, but not limited to, electrical, heat stress, fire, explosion, and chemical air contaminants, slips, trips, falls and disturbances of friable asbestos.
  - (5) At least one contact hour on radiation information and safety training requirements as follows:

- (A) DHS radiation safety training requirements as specified in Title 17, California Code of Regulations, sections 30100-30355;
  - (B) Ionizing radiation including atomic structure, units of radiation, radioactivity, radioactive decay, ionization, radiation absorption in matter, and radiation detection; and
  - (C) Safe use of X-ray florescent (XRF) analyzers, including direct and indirect analyzers and limitations (substrate interference), transportation, storage, record keeping and license requirements.
- (6) At least five contact hours on job tasks associated with lead hazard inspection procedures as follows:
- (A) Review and interpretation of previous inspection records, including sample collection and analysis, abatement activities, and source information;
  - (B) Inspection plan development, including notification of property owners and occupants, building access, use of warning signs, and disruption minimization;
  - (C) Hazard communication with property owners, occupants, and neighbors relative to the reduction or elimination of sources of lead at the job site such as paint, dust, soil, water, imported ceramic pottery, home remedies, /or occupational take-home sources;
  - (D) Visual inspections and clearance inspections;
  - (E) Sample collection including equipment, procedures, quality assurance and contamination factors before, during and after abatement, as described in "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision;
  - (F) Sample analysis, including selection of an EPA recognized laboratory under the National Lead Laboratory Accreditation Program to test paint, dust, soil samples and other media and quality assurance procedures; and
  - (G) Post-inspection procedures and written reports.
- (7) At least five contact hours on job tasks associated with lead hazard risk assessment as follows:
- (A) HUD protocol for risk assessment and interim controls as specified in "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995 , or most recent revision;
  - (B) Assessment of leaded paint surface damage, including disturbance potential of lead- related construction work;
  - (C) Child accessibility to leaded paint surfaces; and
  - (D) Public and lead-related construction work personnel health considerations, including medical confidentiality.
- (8) Record keeping as specified in DHS radiation materials control regulations in the California Code of Regulations, Title 17, sections 30100-30355; and "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995 , or most recent revision.
- (9) Lead-related construction techniques in residential and public buildings as follows:
- (A) Abatement options, including interim controls;
  - (B) Clean-up and disposal procedures, contamination prevention and dust minimization, including high efficiency particulate air (HEPA) vacuums as described in, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision; and
  - (C) Evaluation of abatement and interim controls costs.
- (10) Inspector/ Assessor qualifications, responsibilities, legal obligations and conflicts of interest.
- (11) Insurance issues relating to lead-related construction, work and abatement including liability insurance, claims-made and occurrence policies, and environmental and pollution liability policy clauses, and bonding.
- (12) Classroom discussion of a simulated field visit.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## Article 5. Lead-Related Construction Supervision and Project Monitoring Course.

### §35057. Course Requirements.

- (a) A lead-related construction supervision and project monitoring course shall consist of a minimum of 40 contact hours which includes core instructional requirements specified in section 35055, methodology requirements specified in subsection 35057(b), hands-on training, as specified in subsection 35057(c), classroom instruction, as specified in subsection 35057(d), and a demonstration of respirator fit testing as specified in the Construction Safety Orders, California Code of Regulations, Title 8, section 1532.1.
- (b) At least 16 of the 40 required contact hours shall be taught using interactive/participatory teaching methods, which includes at least eight contact hours of hands-on training.
- (c) Hands-on training shall include performance of tasks associated with:
  - (1) Exposure assessment including paint chip collection and air monitoring and worker protection practices including personal protective equipment as specified in the Construction Safety Orders, California Code of Regulations, title 8, section, 1532.1;
  - (2) Clearance inspections such as specified in "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision; and
  - (3) Lead-related construction supervision and project monitoring, including use of engineering controls, construction and use of containment and barrier systems for at least two worksite preparation levels, removal methods, interim control methods, clean-up including high efficiency particulate air (HEPA) vacuums, use of negative air machines, and waste disposal as specified in, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision.
- (d) Classroom instruction shall include:
  - (1) Regulatory requirements as specified in:
    - (A) National Emission Standards for Hazardous Air Pollutants set forth in Title 40, Code of Federal Regulations, section 50.12 (1992);
    - (B) Relevant State Contractor Licensing Board requirements for conducting work as a contractor set forth in section 7026 and following of the Business and Professions Code;
    - (C) Permitting requirements for lower risk treatment activities set forth in Health and Safety Code, Chapter 6.5, Article 9, sections 25200.3, 25201.5, and Title 22, California Code of Regulations, Division 4.5, Chapter 45; and
    - (D) Work practice requirements set forth in Title 17, California Code of Regulations, sections 36000 and 36100.
  - (2) Identification and prevention of hazards encountered during lead-related construction as follows:
    - (A) Emergency procedures for sudden releases; and
    - (B) Electrical, heat stress, fire, explosion and other hazards, chemical air contaminants, slips, trips, falls and disturbances of friable asbestos.
  - (3) Job tasks associated with sample collection and analysis procedures as follows:
    - (A) Sample collection equipment, and procedures, quality assurance methods and contamination factors before, during and after abatement, as described in, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision;
    - (B) Sample analysis, including interpretation and quality assurance procedures; and
    - (C) Visual inspections and clearance inspections.
  - (4) At least five contact hours on job tasks associated with lead-related construction including the following:
    - (A) Interior and exterior leaded paint, soil and dust abatement methods (including chemical, enclosure, hand, mechanical, blasting, encapsulation), interim control methods, use of engineering controls, clean-up techniques (including high efficiency particulate air (HEPA) vacuums), and construction and use of containment and barrier systems for all interior and exterior worksite preparation levels worksite preparation (including use of negative air machines), as specified in, "Guidelines for the Evaluation and Control of Lead-Based Paint

- Hazards in Housing”, U.S. Department of Housing and Urban Development, June 1995, and, or most recent revision;
- (B) Lead-related construction work and abatement as a portion of a renovation project;
  - (C) Notification of other contractors working at the lead-related construction site;
  - (D) Work practices as follows:
    - 1. Construction, use, and maintenance of containment and barrier systems;
    - 2. Warning signs and their placement; and
    - 3. Electrical and ventilation systems lockout.
  - (E) Meeting housing codes and standards;
  - (F) Special lead-related construction procedures for occupied buildings, including strategies for occupant education, occupant and furniture relocation, and lead exposure minimization;
  - (G) Development of detailed schedules to comply with project design requirements and execution of tasks, including but not limited to, resident notification, building access, warning signs, and occupant disruption minimization;
  - (H) Identification and implementation of personal hygiene practices including, but not limited to, entry and exit procedures for the work area, provision and use of showers; and avoidance of eating, drinking, smoking, chewing, and applying cosmetics in the work or changing area;
  - (I) Hazard communication with property owners, occupants and neighbors relative to the reduction or elimination of sources of lead at the job site such as paint, lead dust, soil, water, imported ceramic pottery, home remedies, and occupational take-home exposures; and
  - (J) Administrative tasks associated with supervision and project monitoring: Contract specifications, preparation and administration;
    - 1. Cost estimation, including strategies for cost reduction;
    - 2. Development and administration of an illness and injury prevention program; and
    - 3. Record keeping as specified in the Construction Safety Orders, Title 8, California Code of Regulations, section 1532.1.
- (5) Supervision and project monitoring job tasks associated with lead-related construction project design as follows:
- (A) Review of inspection reports;
  - (B) Performance of clearance testing methods as described in, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing”, U.S. Department of Housing and Urban Development, June 1995, or most recent revision; and
  - (C) Performance of hazardous waste segregation, testing, and disposal.
- (6) Conflicts of interest related to the performance of supervision, inspection, and project monitoring tasks.
- (7) Medical surveillance and removal protection as specified in the Construction Safety Orders, Title 8, California Code of Regulations, section 1532.1, including but not limited to, issues involved in selecting and using medical services.
- (8) Insurance issues relating to lead-related construction work and abatement including liability insurance, claims-made and occurrence policies, and errors and omissions insurance.
- (A) Workers’ compensation coverage and exclusions; and
  - (B) Liability insurance, claims-made and occurrence policies, environmental and pollution liability policy clauses, and bonding.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## Article 6. Lead-Related Construction Project Design Course.

### §35061. Course Requirements.

- (a) A lead-related construction project design course shall consist of a minimum of 16 contact hours which includes methodology requirements specified in subsection 35061(b), classroom instruction as specified in subsection 35061(c) and a simulated field site visit as specified in subsection 35061(d).



- (b) At least 6 of the 16 required contact hours shall be taught using interactive/participatory teaching methods.
- (c) Classroom instruction shall include job tasks associated with lead-related construction project design as follows:
  - (1) Interpretation of inspection reports;
  - (2) Selection of clearance testing methods as specified in, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision;
  - (3) Selection of hazardous waste segregation, testing and disposal methods;
  - (4) Development and modification of project design specifications including but not limited to:
    - (A) Working with other consultants such as industrial hygienists, construction journeymen, engineers, and housing specialists;
    - (B) Prescriptive and performance specifications;
    - (C) Drawing preparation, including interpretation of as-built drawings;
    - (D) Structure modification;
    - (E) Special design procedures for occupied buildings, including strategies for occupant education, occupant and furniture relocation, and exposure minimization;
    - (F) Selection of abatement and interim control methods;
    - (G) Cost estimation for budgeting purposes, including strategies for cost reduction; and
    - (H) Scheduling parameters, including resident notification, building access, warning signs, and occupant disruption minimization.
- (d) Participation in a simulated field visit associated with developing lead-related construction project designs which includes:
  - (1) Building walk-through for development of project design; and
  - (2) Classroom discussion of a simulated field visit.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## Article 7. Lead-Related Construction Work Course.

### §35065. Course Requirements.

- (a) A lead-related construction work course shall consist of a minimum of 24 contact hours which includes, methodology requirements specified in subsection 35065(b), hands-on training, as specified in subsection 35065(c), classroom instruction, as specified in subsection 35065(d), and a demonstration of respirator fit testing as specified in the Construction Safety Orders, Title 8, California Code of Regulations, section 1532.1.
- (b) At least 12 of the 24 required contact hours shall be taught using interactive/participatory teaching methods, which includes at least ten contact hours of hands-on training.
- (c) Hands-on training shall include performance of tasks associated with:
  - (1) Exposure assessment including air monitoring and worker protection practices including personal protective equipment as specified in Construction Safety Orders, Title 8, California Code of Regulations, section 1532.1; and
  - (2) Lead-related construction work, including, construction and use of containment and barrier systems for at least two worksite preparation levels, removal methods, interim control methods, waste disposal, use of high efficiency particulate air (HEPA) vacuums, electrical and ventilation system lockout, clean-up, and personal hygiene as specified in, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision;
- (d) Classroom instruction shall include:
  - (1) At least one contact hour of regulatory requirements as specified in:
    - (A) Injury and Illness Prevention Program requirements set forth in Title 8, California Code of Regulations, sections 1509 and 3203;

- (B) California's Construction Safety Orders set forth in Title 8, California Code of Regulations, section 1532.1;
  - (C) Standards for hazard communication in the work place set forth in the "Clear and Reasonable Warnings," Title 22, California Code of Regulations, subsections 12601(c) and (d) and in "Hazard Communication," Title 8, California Code of Regulations, section 5194; and
  - (D) Work practice standards set forth in Title 17, California Code of Regulations, sections 36000 and 36100.
- (2) At least one contact hour of background information on lead, including:
- (A) Identification of sources of environmental lead contamination such as surface dust, soil, water, air, and food;
  - (B) History of uses and locations of lead and leaded paint in buildings;
  - (C) Lead contaminated dust and lead-based paint properties; and
  - (D) Health effects related to lead exposure, including but not limited to:
    - 1. Pathways of exposure in children and adults;
    - 2. Dose-response relationships and blood lead levels in children and adults;
    - 3. Effects on the nervous, reproductive (male and female), musculo-skeletal, cardiovascular, and blood-forming systems and kidneys;
    - 4. Different effects on children and adults, including women during pregnancy;
    - 5. Symptoms and diagnosis of poisoning in children and adults and DHS-reportable blood lead levels; and
    - 6. Medical treatment for lead poisoning, including chelation therapy.
- (3) At least two contact hours on respiratory protection and personal protective equipment, including:
- (A) Elements of a respiratory protection program set forth in Title 8, California Code of Regulations, sections 5141 and 5144 and Occupational Safety and Health Administration (OSHA) respirator requirements set forth in 29 Code of Federal Regulations, section 1910.134 (1998);
  - (B) Classes and characteristics of respirators;
  - (C) Limitations of respirators;
  - (D) Proper selection, inspection, donning, doffing, use, maintenance, and storage procedures for respirators;
  - (E) Methods for field testing the face piece seal (user seal check procedures);
  - (F) Qualitative and quantitative fit testing procedures;
  - (G) Factors that alter respirator fit, e.g. facial hair;
  - (H) Selection and use of personal protective clothing; and
  - (I) Storage and handling of non-disposable clothing.
- (4) At least eight contact hours on job tasks associated with lead-related construction and abatement including:
- (A) Tasks as described in, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision as follows:
    - 1. Sampling methods for paint, dust, and soil;
    - 2. Construction and use of containment and barrier systems for all interior and exterior worksite preparation levels;
    - 3. Interior and exterior leaded paint, soil and dust abatement methods (including chemical, enclosure, hand, mechanical, blasting, encapsulation), and interim control methods;
    - 4. Use of administrative and engineering controls; and
    - 5. Clean-up techniques (including high efficiency particulate air (HEPA) vacuums
  - (B) Construction, use and maintenance of containment and barrier systems;
  - (C) Warning signs and their placement;
  - (D) Electrical and ventilation systems lockout;
  - (E) Hazardous and non-hazardous waste characterization and disposal ;
  - (F) Personal hygiene, including entry and exit procedures for the work area, use of showers, avoidance of eating, drinking, smoking, chewing, and applying cosmetics in the work or changing area, avoidance of take-home exposures; and
  - (G) Identification and prevention of hazards as follows:

1. Emergency procedures for sudden releases; and
  2. Electrical, heat stress, fire, explosion and other hazards, chemical air contaminants, slips, trips, falls and disturbances of friable asbestos.
- (5) Medical monitoring requirements as specified in Construction Safety Orders, California Code of Regulations, Title 8, Section 1532.1 including:
- (A) Discussion of the need for medical monitoring of lead toxicity and disclosure of medical history for lead-related construction work; and
  - (B) Treatment of lead poisoning cases, including medical removal procedures and the issues involved in selecting medical services.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## **Article 8. Lead-Related Construction Supplemental Supervision and Project Monitoring Course.**

### **§35066. Course Requirements.**

- (a) A lead-related construction supplemental supervision course shall consist of a minimum of 16 contact hours which includes methodology requirements specified in subsection 35066(b), hands-on training, as specified in section 35066(c) and classroom instruction, as specified in subsection 35066(d).
- (b) At least four of the 16 required contact hours shall be taught using interactive/participatory teaching methods, which includes at least one contact hour of hands-on training.
- (c) Hands-on training shall include performance of tasks associated with:
  - (1) Exposure assessment including paint chip collection and air monitoring as specified in the Construction Safety Orders, Title 8, California Code of Regulations, section 1532.1; and
  - (2) Clearance inspections such as specified in "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision.
- (d) Classroom instruction shall include:
  - (1) Regulatory requirements as specified in:
    - (A) California's Construction Safety Orders set forth in Title 8, California Code of Regulations, section 1532.1;
    - (B) Section 35055(a)(2)(A) and (B); and
    - (C) Section 35057(d)(1)(C).
  - (2) Job tasks associated with sample collection and analysis procedures as specified in section 35057(d)(3).
  - (3) At least five contact hours on job tasks associated with lead-related construction as specified in section 35057(d)(4).
  - (4) Supervision and project monitoring job tasks associated with lead-related construction project design as specified in 35057(d)(5).
  - (5) Supervision and project monitoring issues as specified in 35057(d)(6)(7) and (8).
  - (6) Discussion of the roles and responsibilities of the interim certified individual as specified in 35055(a)(4).

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## **Article 9. Lead-Related Construction Certified Industrial Hygienist Course.**

### **§35067. Course Requirements.**

- (a) A lead-related construction certified industrial hygienist course shall consist of a minimum of 24 contact hours which includes methodology requirements specified in subsection 35067(b), hands-on training, as specified in subsection 35067(c), and classroom instruction, as specified in subsection 35067(d).



- (b) At least eight of the 24 required contact hours shall be hands-on training.
- (c) Hands-on training shall include performance of tasks associated with:
  - (1) Inspection and hazard assessment techniques as specified in "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision.
  - (2) Simulated field visit associated with lead-related construction inspection and assessment which includes:
    - (A) Walk-through building inspection;
    - (B) Discussion of data collection, including sample location determination; and
    - (C) Practice with an X-ray Fluorescence (XRF) analyzer.
  - (3) Simulated field visit associated with developing lead-related construction project designs which includes:
    - (A) Building walk-through for development of project design; and
    - (B) On-site discussion of project design.
- (d) Classroom instruction shall include:
  - (1) Background information on lead, including:
    - (A) Identification of sources of environmental lead such as surface dust, soil, water, air, and food;
    - (B) History of uses and locations of lead and leaded paint in buildings;
    - (C) Lead dust and paint characteristics; and
    - (D) Summary of lead abatement control options, including interim controls.
  - (2) Relevant federal, state and local regulatory requirements:
    - (A) Requirements for the identification, management, transport, record keeping, and disposal of hazardous waste set forth in Title 22, California Code of Regulations, Division 4.5, Chapters 10, 11, 12, 13, and 18, and Health and Safety Code section 25163, subdivision (c), and Chapter 6.5, Article 10.8;
    - (B) Ambient Air Quality Standards for lead set forth in Title 17, California Code of Regulations, sections 70100 and 70200;
    - (C) California's Construction Safety Orders set forth in Title 8, California Code of Regulations, section 1532.1;
    - (D) National Emission Standards for Hazardous Air Pollutants set forth in 40 Code of Federal Regulations, section 50.12 (1992);
    - (E) Relevant State Contractor Licensing Board requirements for conducting work as a contractor set forth in section 7026 and following of the Business and Professions Code;
    - (F) Permitting requirements for lower risk treatment activities set forth in Health and Safety Code, Chapter 6.5, Article 9, sections 25200.3, 25201.5, and Title 22, California Code of Regulations, Division 4.5, Chapter 45; and
    - (G) Work practice requirements set forth in Title 17, California Code of Regulations, sections 36000 and 36100.
  - (3) Federal guidelines as specified in "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", U.S. Department of Housing and Urban Development, June 1995, or most recent revision.
  - (4) Roles and responsibilities of local health officials versus private sector Inspector/Assessors when conducting lead hazard assessments.
  - (5) Job tasks associated with lead hazard inspection procedures as follows:
    - (A) Review and interpretation of previous inspection records;
    - (B) Inspection plan development, including notification of property owners and occupants, building access, use of warning signs, and disruption minimization;
    - (C) Hazard communication with property owners, occupants, and neighbors relative to the reduction or elimination of sources of lead at the job site such as paint, dust, soil, water, imported ceramic pottery, home remedies, or occupational take-home sources;
    - (D) Visual inspections and clearance inspections;
    - (E) Investigation protocol for assessing multiple sources of lead exposure;
    - (F) Sample collection including equipment, procedures, quality assurance and contamination factors before, during and after abatement, as described in, "Guidelines for the Evaluation

- and Control of Lead-Based Paint Hazards in Housing”, U.S. Department of Housing and Urban Development, June 1995, or most recent revision;
- (G) Sample analysis, including selection of an EPA recognized laboratory to test paint, dust, soil samples and other media and quality assurance procedures; and
  - (H) Post-inspection procedures and written reports.
- (6) Job tasks associated with lead hazard risk assessment as follows:
- (A) HUD protocol for risk assessment and interim controls as specified in, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing”, U.S. Department of Housing and Urban Development, June 1995, or most recent revision;
  - (B) Assessment of leaded paint surface damage, including disturbance potential of lead- related construction activities;
  - (C) Child accessibility to lead-based paint surfaces; and
  - (D) Public and lead-related construction personnel health considerations, including medical confidentiality.
- (7) Lead-based paint abatement techniques in residential and public buildings as follows:
- (A) Abatement options, including interim controls;
  - (B) Clean-up and disposal procedures, contamination prevention and dust minimization, including high efficiency particulate air (HEPA) vacuums as described in, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing”, U.S. Department of Housing and Urban Development, June 1995, or most recent revision; and
  - (C) Abatement and interim controls cost estimation.
- (8) Inspector/ Assessor qualifications, responsibilities, legal obligations and conflicts of interest.
- (9) Insurance issues relating to lead-related construction work and abatement, including:
- (A) Workers’ compensation coverage and exclusions; and
  - (B) Liability insurance, claims-made and occurrence policies, and environmental and pollution liability policy clauses, and bonding.
- (10) Job tasks associated with lead-related construction including, but not limited to, the following:
- (A) Abatement as a portion of a renovation project;
  - (B) Notification of other contractors working at the construction site;
  - (C) Safe work practices as follows:
    - 1. Construction and maintenance of containment barriers;
    - 2. Warning signs and their placement; and
    - 3. Electrical and ventilation systems lockout;
  - (D) Meeting housing codes and standards;
  - (E) Procedures for occupied buildings, including strategies for occupant education, occupant and furniture relocation, and exposure minimization;
  - (F) Development of detailed schedules to comply with project design requirements and execution of tasks, including but not limited to, resident notification, building access, warning signs, and occupant disruption minimization; and
  - (G) Administrative tasks associated with supervision and project monitoring:
    - 1. Contract specifications, preparation and administration;
    - 2. Cost estimation, including strategies for cost reduction.
- (11) Supervision and project monitoring job tasks associated with project design as follows:
- (A) Review of inspection reports;
  - (B) Performance of clearance testing methods as described in, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing”, U.S. Department of Housing and Urban Development, June 1995, or most recent revision; and
  - (C) Performance of hazardous waste segregation, testing, and disposal.
- (12) Conflicts of interest related to the performance of supervision, inspection, and project monitoring tasks.
- (13) Job tasks associated with lead-related construction project design as follows:
- (A) Development and modification of project design specifications:
    - 1. Working with other consultants such as industrial hygienists, construction journeymen, engineers, and housing specialists;
    - 2. Prescriptive and performance specifications;

3. Drawing preparation, including interpretation of as-built drawings;
4. Structure modification;
5. Special design procedures for occupied buildings, including strategies for occupant education, occupant and furniture relocation, and exposure minimization;
6. Selection of abatement and interim control methods;
7. Cost estimation for budgeting purposes, including strategies for cost reduction; and
8. Scheduling parameters, including resident notification, building access, warning signs, and occupant disruption minimization.

(14) Classroom discussion of simulated field visits.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## Article 10. Continuing Education.

### §35070. Continuing Education for Workers Requirements.

- (a) Continuing education for workers shall only be provided by an accredited training provider approved by the Department to offer the lead-related construction work course.
- (b) Continuing education instruction shall be designed to increase or enhance skills and knowledge necessary to perform the job tasks and job functions associated with certification and shall be offered in minimum increments of one contact hour.
- (c) At least 40% of continuing education instruction for workers shall be taught using interactive/participatory teaching methods.
- (d) Continuing education topics shall include:
  - (1) An overview of safety practices relevant to tasks conducted by certified lead workers;
  - (2) An update on federal, state, or local statutes or regulations relevant to tasks conducted by certified lead workers; and
  - (3) An update on new lead-related construction techniques or technologies relevant to tasks conducted by certified lead workers.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### §35072. General Continuing Education Requirements.

- (a) General continuing education shall only be provided by an accredited training provider approved to offer one of the following lead-related construction courses: inspection and assessment, supervision and project monitoring, supplemental supervision and project monitoring, project design, or Certified Industrial Hygienist.
- (b) General continuing education instruction shall be designed to increase or enhance skills and knowledge necessary to perform the job tasks and job functions associated with certification or interim certification and shall be offered in minimum increments of one contact hour.
- (c) At least 25% of general continuing education instruction shall be taught using interactive/participatory teaching methods.
- (d) General continuing education topics shall include:
  - (1) An overview of safety practices in lead-related construction relevant to tasks conducted by certified lead inspector/assessors, project designers, project monitors, and supervisors;
  - (2) An update on federal, state, or local statutes or regulations relevant to tasks conducted by certified lead inspector/assessors, project designers, project monitors, and supervisors; and
  - (3) An update on lead-related construction techniques or technologies relevant to tasks conducted by certified lead inspector/assessors, project designers, project monitors, and supervisors.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## **Article 11. Application Requirements and Procedures for Training Provider Accreditation, Renewal, or Course Approval.**

### **§35076. Application Requirements.**

- (a) A complete application for provisional accreditation or provisional course approval shall consist of a completed DHS Form 8487 (12/97), Application for Training Provider Accreditation and Course Approval, and required documentation as follows:
- (1) Type of application:
    - (A) Accreditation; or
    - (B) Course Approval.
  - (2) Type of course or training applicant seeks to provide:
    - (A) Lead-related construction inspection and assessment course;
    - (B) Lead-related construction supervision and project monitoring course;
    - (C) Lead-related construction project design course;
    - (D) Lead-related construction work course;
    - (E) Lead-related construction supplemental supervision course;
    - (F) Lead-related construction Certified Industrial Hygienist course;
    - (G) Lead-related construction General continuing education and number of contact hours; or
    - (H) Lead-related construction Continuing education for workers and number of contact hours.
  - (3) Applicant information:
    - (A) Training provider's name, street address (principal place of business), mailing address (if different from street address), telephone number, and fax number, if applicable; and
    - (B) Training Director's name, street address and mailing address (if different from street address).
  - (4) Operational information:
    - (A) Description of training facility (including classroom and field site), equipment, and equipment storage;
    - (B) Description of record keeping procedures;
    - (C) One copy of the entire course or continuing education instruction curriculum, including, but not limited to, learning objectives, documentation of the length and sequence of topics to be covered during the course(s) or continuing education instruction, student and instructor manuals, handouts, quizzes, and homework;
    - (D) Student-to-instructor ratio during hands-on training;
    - (E) Description of the amount and type of hands-on training;
    - (F) Description of the teaching methods to be used for each major topic and for hands-on training;
    - (G) Description of the audio/visual aids to be used for each major topic; and
    - (H) List of languages, other than English, in which training will be offered.
  - (5) Personnel information:
    - (A) Documentation of Training Director's qualifications pursuant to paragraphs 35053(a)(1)-(4);
    - (B) Name(s) of instructor(s);
    - (C) Course(s) or topic(s) instructor(s) will teach;
    - (D) Documentation of instructors' qualifications pursuant to paragraphs 35053(b)(1)-(4);
    - (E) Name(s) of guest instructor(s);
    - (F) Course(s) or topic(s) guest instructor(s) will teach; and
    - (G) Documentation of guest instructors' qualifications pursuant to subsection 35053(d).
  - (6) Final examination information:
    - (A) List of skills and knowledge to be tested;
    - (B) One copy of the entire final examination and correct answers, including demonstration testing criteria and protocol;
    - (C) One copy of the student final examination scoresheet or other record; and
    - (D) One copy of each retake examination and correct answers.
  - (7) Compliance with other relevant regulations:

- (A) Documentation of approval under Section 94915, or exemption under Section 94739, or disclosure under Section 94931, of the California Education Code, as applicable; and
  - (B) Documentation of compliance with any radiological licensing, storage, and use requirements of the Department of Health Services Radiologic Health Branch set forth in Title 17, California Code of Regulations, Division 1, Chapter 5, Subchapter 4, 4.5, and 4.6; and
  - (C) Documentation of accreditation by other state or federal agencies, if applicable.
- (8) Applicant's name, printed or typed, signature, title, and date, verifying under penalty of perjury, that all information contained on and submitted with DHS Form 8487 (12/97), Application for Training Provider Accreditation, is true and correct.
- (b) A training provider seeking to renew accreditation shall submit a completed DHS Form 8557 (12/97) Renewal of Training Provider Accreditation and Course Approval, and required documentation as follows:
- (1) Type of course(s) or training applicant is currently approved to offer:
    - (A) Lead-related construction inspection and assessment course;
    - (B) Lead-related construction supervision and project monitoring course;
    - (C) Lead-related construction project design course;
    - (D) Lead-related construction work course;
    - (E) Lead-related construction supplemental supervision course;
    - (F) Lead-related construction Certified Industrial Hygienist course;
    - (G) Lead-related construction general continuing education and number of contact hours; or
    - (H) Lead-related construction continuing education for workers and number of contact hours.
  - (2) Applicant information:
    - (A) Training provider's name, street address (principal place of business), mailing address (if different from street address), telephone number, and fax number, if applicable;
    - (B) Training Director's name, street address and mailing address (if different from street address);
    - (C) Accreditation Number;
    - (D) Current course or continuing education instruction number(s); and
  - (3) A description of the training facility (including classroom and field site), equipment, and equipment storage, if changed since the original application for accreditation;
  - (4) Personnel information:
    - (A) Documentation of instructor's qualifications pursuant to paragraphs 35053(b)(1)-(4);
    - (B) Name(s) of instructor(s);
    - (C) Course(s) or topic(s) instructor(s) will teach;
    - (D) Name(s) of guest instructor(s);
    - (E) Course(s) or topic(s) guest instructor(s) will teach; and
    - (F) Documentation of guest instructors' qualifications pursuant to subsection 35053(d).
  - (5) Final examination information:
    - (A) One copy of the entire final examination and correct answers, including demonstration testing;
    - (B) One copy of the student examination scoresheet or other record; and
    - (C) One copy of each retake examination and correct answers.
  - (6) Compliance with other relevant regulations:
    - (A) Documentation of approval under Section 94915, or exemption under Section 64739, or disclosure under Section 94931, of the California Education Code, as applicable; and
    - (B) Documentation of compliance with any radiological licensing, storage, and use requirements of the Department of Health Services Radiologic Health Branch set forth in Title 17, California Code of Regulations, Division 1, Chapter 5, Subchapter 4, 4.5, and 4.6; and
    - (C) Documentation of accreditation by other state or federal agencies, if applicable.
  - (7) Applicant's name, printed or typed, signature, title, and date, verifying under penalty of perjury, that all information contained on and submitted with DHS Form 8557 (12/97), Application for Renewal of Training Provider Accreditation, is true and correct.
- (c) An accredited training provider seeking DHS approval to offer an additional course shall submit a completed DHS Form 8487 (12/97), Application for Training Provider Accreditation, and required documentation, except an applicant need not re-submit unchanged information and documentation that was submitted with the original application for accreditation.

- (d) An accredited training provider shall notify the Department within 30 calendar days of a change of address.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### §35078. Accreditation Procedures.

- (a) Within 30 calendar days of receipt of an application for accreditation, renewal, or course approval, the Department shall inform the applicant in writing that the application is either complete or incomplete and what additional information documentation is required to complete the application.
- (1) If an applicant submits required information or documentation within 30 days from the issuance date of the notice of incompleteness, the Department shall issue a written notice of completeness.
  - (2) If an applicant fails to submit required information or documentation within 30 days from the issuance date of the notice of incompleteness, the application shall be deemed to be abandoned and reapplication shall be required.
  - (3) An application may be withdrawn by written request to the Department.
- (b) Within 60 calendar days from the issuance date of the notice of completeness, the Department shall grant or deny provisional accreditation, renewal, or provisional course approval.
- (1) If denied, the Department shall state, in writing, the reasons for denial.
  - (2) If granted, a written notice containing an accreditation number and course number(s), shall be sent to the applicant.
    - (A) The issuance date of the written notice shall be the effective date of provisional accreditation, renewal, or provisional course approval.
    - (B) Upon issuance of the written notice granting provisional accreditation or course approval, an accredited training provider may commence offering a DHS-approved course(s).
- (c) Processing Time:
- (1) Pursuant to the Permit Reform Act, Government Code section 15376, the minimum, median, and maximum elapsed time to process an application for accreditation, renewal, or course approval, and issue a written notification of approval shall be as follows:
    - (A) Minimum: 15 calendar days.
    - (B) Median: 30 calendar days.
    - (C) Maximum: 260 calendar days.
  - (2) The Department may exceed the maximum time as provided above if the applicant requests in writing a delay of consideration of the application or issuance of a written notification of provisional accreditation, renewal, or provisional course approval.
- (d) In making a determination of whether to grant or deny provisional accreditation, renewal, or provisional course approval, the Department may take into consideration various factors, including, but not limited to the following:
- (1) Failure to satisfy eligibility requirements for accreditation;
  - (2) Failure to satisfy eligibility requirements for course approval;
  - (3) Past history of revocation of accreditation;
  - (4) False statements in the application; or
  - (5) Failure to provide further required documentation or information requested by the Department.
- (e) Provisional status shall be removed if an accreditation audit indicates that requirements for accreditation are satisfied.
- (1) A provisionally accredited training provider shall permit the Department to conduct an accreditation audit without charge to the Department. Advance notice shall not be required prior to conducting an accreditation audit.
  - (2) An accreditation audit shall be conducted within 365 calendar days following the issuance of provisional accreditation.
  - (3) An accreditation audit shall be performed on site and shall include, but not be limited to, a review of: records, including Course Completion Forms and attendance records; facilities; instructional curriculum; examination design, administration and security procedures, and results, including those of demonstration testing; classroom instruction; audio-visual materials; course content; and coverage.

- (f) Provisional status shall be removed if a course audit indicates that requirements for DHS course approval are satisfied.
  - (1) A provisionally accredited or accredited training provider shall permit the Department to conduct a course audit without charge to the Department. Advance notice shall not be required prior to conducting a course audit.
  - (2) A course audit shall be conducted within 365 calendar days following the issuance of provisional course approval.
  - (3) A course audit shall be performed on site and shall include, but not be limited to, a review of: instructional curriculum; examination design, administration and security procedures, and results, including those of demonstration testing; classroom instruction; audio-visual materials; course content; and coverage.
- (g) If an accreditation or course audit indicates that requirements for accreditation or course approval are not satisfied, the Department shall issue, within seven working days of completion of the accreditation or course audit, written notice of required modifications.
  - (1) Written notice shall include an explanation of the Department's audit process, a statement of inadequacies found upon audit, possible actions that may be imposed, a description of procedures available if the training provider desires an opportunity to explain or justify the findings of the audit, steps that shall be taken to correct any inadequacies, and any applicable deadlines.
- (h) If an accreditation or course audit indicates that requirements for accreditation or course approval are satisfied, a written notice removing provisional accreditation or provisional course approval shall be issued within seven working days after completion of an accreditation or course audit.
  - (1) Accreditation shall be valid for a period of three years and shall not be transferable.
  - (2) Renewal applications shall be required at least 120 calendar days prior to the expiration date of accreditation.
- (i) An accredited training provider shall permit the Department to conduct on-site investigations at any time. Advance notice shall not be required. On-site investigations may include, but are not limited to, a review of: records, including Course Completion Forms and attendance records; facilities; training curriculum; examination design, administration and security procedures, and results, including those of demonstration testing; classroom instruction; audio-visual materials; course content; and coverage.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## **Article 12. Suspension or Revocation of Accreditation, Provisional Accreditation, or DHS Course Approval.**

### **§ 35080. Action to Suspend or Revoke Accreditation, Provisional Accreditation, or Course Approval.**

- (a) Accreditation, provisional accreditation, or course approval may be suspended or revoked by the Department for:
  - (1) Failure to adhere to the standards and requirements for accreditation, provisional accreditation, or course approval;
  - (2) Failure to properly administer, score, or maintain security of required examination, examination answers, or results;
  - (3) Failure to maintain approval or authority to operate granted by the Council For Private Postsecondary and Vocational Education;
  - (4) Falsification of accreditation records, instructor qualifications, or other accreditation information;
  - (5) Failure to provide the required course contact hours, course content, or coverage;
  - (6) Misrepresentation of the contents of a course;
  - (7) Failure to submit required information or notifications in a timely manner;
  - (8) Failure to maintain required records;
  - (9) Failure to comply with relevant federal, state, or local leaded paint statutes or regulations;
  - (10) Failure to make modifications required by the Department within 30 days from the issuance date of the written notice of required modifications; or

- (11) Other conditions revealed by any means which would warrant suspension or revocation.
- (b) Suspension or revocation and an appeal of any suspension or revocation shall be conducted in compliance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (c) Prior to suspension or revocation, an accredited or provisionally accredited training provider will be given an opportunity, except in the case of willful violation or threat to public health and safety, to remedy deficiencies that may result in suspension or revocation.
- (1) The accredited or provisionally accredited training provider shall be given a statement which includes the Department's findings, an explanation of what the accredited or provisionally accredited training provider shall do to comply with the regulations, and the time period in which the accredited or provisionally accredited training provider shall act.
- (2) The accredited or provisionally accredited training provider shall remedy the deficiencies within a reasonable time specified by the Department which shall be no more than 30 calendar days after the issuance date of the statement of deficiencies.
- (d) A training provider shall not offer course training when accreditation, provisional accreditation, or DHS course approval is suspended or revoked, except, the Department, at its discretion, may permit the training provider to continue to offer training to students already enrolled. If training is not permitted to continue, a refund of all tuition and other charges shall be provided to students already enrolled, if applicable.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## **Article 13. Eligibility Requirements and Application Procedures for Certification or Interim Certification.**

### **§35081. Representation of Certification Status**

Unless certified pursuant to the requirements of this chapter, no person shall represent themselves as, or do business as, a certified lead-inspector/assessor, certified lead project designer, certified lead project monitor, certified lead supervisor, or certified lead worker.

Note: Authority cited: Sections 105250 (a) and (b), and 124160 (b), Health and Safety Code. Reference: Sections 16240 and 17200, Business and Professions Code.

(29) Amend Section 35082 to read:

### **§35082. Application Timeliness.**

- (a) Applicants for certification or interim certification shall apply to the Department within one year from the issuance date of DHS Form 8493 (12/97), Course Completion Form.
- (b) Applicants failing to apply within one year from the issuance date of DHS Form 8493 (12/97), Course Completion Form, shall complete a minimum of seven contact hours of:
- (1) General continuing education in order to be eligible to apply for inspector/assessor, project designer and/or project monitor certification or interim certification;
- (2) General continuing education or continuing education for workers in order to be eligible to apply for supervisor certification or interim certification; or
- (3) Continuing education for workers in order to be eligible to apply for worker certification.
- (c) Effective January 1, 1999, applicants failing to apply within three years from the issuance date of DHS Form 8493 (12/97), Course Completion Form, shall retake the appropriate DHS-Approved course to be eligible to apply for certification.
- (d) Applications for certification or interim certification renewal shall be submitted at least 120 calendar days prior to the expiration date indicated on the certificate or interim certificate.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.



### **§35083. Inspector/Assessor.**

To qualify for certification as a certified lead inspector/assessor, an individual shall comply with all applicable requirements specified in sections 35095 and 35096 and meet the following minimum eligibility requirements:

- (a) Possess DHS Form 8493 (12/97), Course Completion Form, from a lead-related construction inspection and assessment course; and
- (b) Pass the lead certification examination for inspector/assessors offered by the Department; and either:
  - (1) Have a bachelor's degree in biological, chemical, or physical science, or a related field and one year of experience in lead-related construction or a related field (e.g., asbestos, or environmental remediation work) conducting environmental inspections and assessing environmental health, occupational safety, or environmental hazards, or designing projects in environmental health, occupational safety, or environmental hazard reduction; or
  - (2) Have an associate degree in biological, chemical, or physical science, or a related field, or 20 semester or 30 quarter units in biological, chemical, or physical science, or a related field, and two years of experience in lead-related construction or a related field (e.g., asbestos, or environmental remediation work) conducting environmental inspections and assessing environmental health, occupational safety, or environmental hazards, or designing projects in environmental health, occupational safety, or environmental hazard reduction; or
  - (3) Have a high school diploma or equivalent and at least three years of experience in lead-related construction or a related field (e.g., asbestos, or environmental remediation work) conducting environmental inspections and assessing environmental health, occupational safety, or environmental hazards, or designing projects in environmental health, occupational safety, or environmental hazard reduction; or
  - (4) Be a certified industrial hygienist and possess DHS Form 8493 (12/97), Course Completion Form, from a lead-related construction Certified Industrial Hygienist course.

Note: Authority cited: Sections 100275, 105250, and 124160 Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35085. Supervisor.**

To qualify for certification as a certified lead supervisor, an individual shall comply with all applicable requirements specified in sections 35095 and 35096 and meet the following minimum eligibility requirements:

- (a) Possess DHS Form 8493 (12/97), Course Completion Form, from a a lead-related construction supervision and project monitoring course or possess DHS Forms 8493 (12/97), Course Completion Forms, from a lead-related construction work course and a lead-related construction supplemental supervision and project monitoring course; and
- (b) Pass the lead certification examination for supervisors offered by the Department; and either:
  - (1) Have one year of experience as a certified lead worker; or
  - (2) Have two years of experience in lead-related construction or a related field (e.g., asbestos, the building trades, or environmental remediation work) conducting environmental health, occupational safety, or environmental hazard control.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35087. Project Monitor.**

To qualify for certification as a certified lead project monitor, an individual shall comply with all applicable requirements specified in sections 35095 and 35096 and meet the following minimum eligibility requirements:

- (a) Possess DHS Form 8493 (12/97), Course Completion Form, from a lead-related construction supervision and project monitoring course or possess DHS Forms 8493 (12/97), Course Completion Forms, from a lead-related construction work course and a lead-related construction supplemental supervision and project monitoring course; and
- (b) Pass the lead certification examination for project monitors offered by the Department; and either:
  - (1) Have a bachelor's degree in biological, chemical, or physical science, or a related field and one year of experience in lead-related construction or a related field (e.g., asbestos, environmental

- remediation work) conducting or monitoring environmental health, occupational safety, or environmental hazards, or designing projects in environmental health, occupational safety, or environmental hazard reduction; or
- (2) Have an associate degree in biological, chemical, or physical science, or a related field, or 20 semester or 30 quarter units in biological, chemical, or physical science, or a related field and one year of experience as a certified lead supervisor or two years of experience in lead-related construction or a related field (e.g., asbestos, or environmental remediation work) conducting or monitoring environmental health, occupational safety, or environmental hazard reduction projects or designing projects in environmental health, occupational safety, or environmental hazard reduction; or
  - (3) Have a high school diploma or equivalent plus two years experience as a certified lead supervisor, or three years of experience in lead-related construction or a related field (e.g., asbestos, or environmental remediation work) conducting or monitoring environmental health, occupational safety or environmental hazard reduction projects, or designing projects in environmental health, occupational safety, or environmental hazard reduction; or
  - (4) Be a certified industrial hygienist and possess DHS Form 8493 (12/97), Course Completion Form, from a lead-related construction Certified Industrial Hygienist course.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35089. Project Designer.**

To qualify for certification as a certified lead project designer, an individual shall comply with all applicable requirements specified in sections 35095 and 35096 and meet the following minimum eligibility requirements:

- (a) Possess DHS Form 8493 (12/97), Course Completion Forms, from a lead-related construction supervision and project monitoring course issued within 3 years prior to the application date for certification as a project designer and from a lead-related construction project design course, or be a certified lead supervisor or certified lead project monitor and possess DHS Form 8493 (12/97), Course Completion Form, from a lead-related construction project design course, ; and
- (b) Pass the lead certification examination for project designers offered by the Department; and either:
  - (1) Have a bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and design or a related field; or
  - (2) Have an associate degree or higher in building construction, building design or a related field, or 20 semester or 30 quarter units in building construction, building design or a related field, and two years of experience in building construction and design or a related field; or
  - (3) Have a high school diploma or equivalent plus four years of experience in building construction and design or a related field; or
  - (4) Be a certified industrial hygienist and possess DHS Form 8493 (12/97), Course Completion Form, from a lead-related construction Certified Industrial Hygienist course.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35091. Worker.**

To qualify for certification as a certified lead worker, an individual shall comply with all applicable requirements specified in sections 35095 and 35096 and possess DHS Form 8493 (12/97), Course Completion Form, from a lead-related construction work course.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35093. Interim Certification and Renewal.**

- (a) Applications for interim certification shall be accepted through August 30, 1998. Applications for renewal of interim certification shall be accepted through December 31, 1998. Individuals who possess interim certificates with expiration dates after April 30, 1999 shall not be eligible to renew their interim certificate(s) and must take and pass the Department's certification examination to be eligible to apply for certification.

- (b) To qualify for interim certification as a lead inspector/assessor, an individual shall comply with all applicable requirements specified in sections 35083, 35095 and 35096, except for the certification examination requirements specified in subsection 35083(b).
- (c) To qualify for interim certification as a lead supervisor an individual shall comply with all applicable requirements specified in sections 35085, 35095 and 35096, except for the certification examination requirements specified in subsection 35085(b).
- (d) To qualify for interim certification as a lead project monitor an individual shall comply with all applicable requirements specified in sections 35087, 35095 and 35096, except for the certification examination requirements specified in subsection 35087(b).
- (e) To qualify for interim certification as a lead project designer an individual shall comply with all applicable requirements specified in sections 35089, 35095 and 35096, except for the certification examination requirements specified in subsection 35089(b).
- (f) Individuals failing to apply for renewal within one year after the expiration date of an interim certificate, shall comply with applicable subsections (b) of sections 35083, 35085, 35087, and 35089, and subsections 35095(b), and 35096(f)(1) to be eligible to apply for certification.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35095. Application Requirements.**

- (a) A complete application for certification or interim certification shall consist of a non-refundable \$75.00 application fee per certificate or interim certificate requested and a completed DHS Form 8488 (12/97), Application for Lead Certification, with required documentation:
  - (1) Type of certification or interim certification requested and amount of fee(s) paid:
    - (A) Certified lead inspector/assessor;
    - (B) Certified lead supervisor;
    - (C) Certified lead project designer;
    - (D) Certified lead project monitor; or
    - (E) Certified lead worker.
  - (2) Applicant's name, residence address, (and mailing address, if different), telephone number, date of birth, gender, race/ethnicity, and photo identification number with a description of the photo identification document.
  - (3) Documentation of applicant's education, training, and experience, including:
    - (A) Original Course Completion Form, DHS Form 8493 (12/97), for a course issued by an accredited training provider .
    - (B) A Proof of Experience DHS Form 8539 (12/97) for each employer providing documentation of completion of lead-related construction, or other applicable experience. Each Proof of Experience form shall contain:
      - 1. The applicant's name;
      - 2. The name and address of the applicant's employer;
      - 3. The name and telephone number of the applicant's supervisor, or the names and phone numbers of three client references, if self-employed;
      - 4. The applicant's employment dates;
      - 5. Descriptions of specific lead-related construction or other applicable activities performed;
      - 6. Estimated percentage of time associated with lead-related construction or other applicable activities; and
      - 7. The name, title, and signature of the applicant's supervisor or employer, or the applicant's signature, if self-employed, verifying, under penalty of perjury, that the information contained on the Proof of Experience DHS Form 8539 (12/97) is true and correct.
    - (C) Evidence of completion of postsecondary education, such as a copy of a transcript or diploma.
    - (D) Certified Industrial Hygienists, who possess a Course Completion Form from a lead- related construction Certified Industrial Hygienist course, may substitute a copy of their American

- Board of Industrial Hygiene Certificate, or its equivalent, for evidence of both experience and postsecondary education documentation.
- (4) Two passport style, 1 inch by 1 inch, photographs.
  - (5) Applicant's signature and date signed, verifying, under penalty of perjury, that all information contained on and submitted with DHS Form 8488 (12/97), Application for Lead Certification, is true and correct.
- (b) A complete application for certification or interim certification renewal shall consist of a completed DHS Form 8553 (12/97), Renewal of Lead Certification, and a non-refundable seventy-five dollar application fee for each certificate or interim certificate renewal requested with the following required documentation:
- (1) If not submitted to the Department in the previous year, an original Course Completion Form DHS Form 8493 (12/97) issued by an accredited training provider for:
    - (A) General continuing education, if the application is for renewal of inspector/assessor, project designer, or project monitor certification or interim certification; or
    - (B) General continuing education or continuing education for workers, if the application is for renewal of supervisor certification or interim certification; or
    - (C) Continuing education for workers, if the application is for renewal of worker certification.
  - (2) Documentation specified in sections 35095(a)(2), and 35095(a)(5); and
  - (3) Certificate or interim certificate number(s), expiration date(s) and amounts of fee(s) paid.
- (c) Certified or interim certified individuals shall notify the Department within 30 calendar days of a change of address.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference cited: Sections 100275, 105250, and 124160, Health and Safety Code.

### **§35096. Certification, Interim Certification, and Renewal Procedures.**

- (a) Within 30 calendar days of receipt of an application for certification, interim certification or renewal, the Department shall inform the applicant in writing that the application is either complete or incomplete and what additional information or documentation is required to complete the application.
  - (1) If an applicant submits required information or documentation within 30 180 days from the issuance date of the notice of incompleteness, the Department shall issue a written notice of completeness.
  - (2) If an applicant fails to submit required information or documentation within 180 days from the issuance date of the notice of incompleteness, the application shall be deemed to be abandoned and reapplication shall be required.
  - (3) An application may be withdrawn or amended only by written request to the Department.
- (b) Within 60 calendar days from the issuance date of the notice of completeness, the Department shall grant or deny interim certification, renewal, or permission to sit for the Department's lead certification examination in the certification discipline applied for.
  - (1) If denied, the Department shall state, in writing, the reasons for denial.
  - (2) If granted, an interim certificate, renewal, or permission notice shall be sent to the applicant and the issuance date of the interim certificate, renewal, or permission notice shall be the effective date of interim certification, renewal, or permission notice.
- (c) Within 30 calendar days from the date an individual passes the lead certification examination in the certification discipline applied for, the Department shall grant or deny certification.
  - (1) Individuals who fail to pass the lead certification examination in the certification discipline applied for within 180 days from the issuance date of the permission notice, shall retake the DHS-approved lead-related construction course in that discipline, and comply with Section 35095, excepting subsections 35095(a)(3)(B), 35095(a)(3)(C), 35095(a)(3)(D), and 35095(a)(4), to be eligible to re-apply for permission to sit for the lead certification examination.
  - (2) An individual shall take the lead certification examination no more than three times within 180 days of from the issuance date of the permission notice.
- (d) Processing Time:
  - (1) Pursuant to the Permit Reform Act, Government Code section 15376, the minimum, median, and maximum elapsed time to process a completed application for a certificate or interim certificate and issue a written notification of approval shall be as follows:

- (A) Minimum: 15 calendar days.
- (B) Median: 120 calendar days.
- (C) Maximum: 270 calendar days.
- (2) The Department may exceed the maximum time as provided above if the applicant requests in writing a delay of consideration of the application or issuance of a certificate or interim certificate.
- (e) In making a determination of whether to grant, deny, or renew certification or interim certification, or permission to sit for a lead certification examination, the Department may take into consideration various factors, including, but not limited to, the following:
  - (1) Failure to satisfy eligibility requirements for certification or interim certification;
  - (2) Type and amount of lead-related construction training;
  - (3) Failure to provide further required documentation or information requested by the Department;
  - (4) Past history of citations or violations of existing regulations or standards;
  - (5) Past history of revocation of a Certificate or Interim Certificate; or
  - (6) False or misleading statements in the application.
- (f) Certification or interim certification shall be non-transferable and shall be effective for a period of one year.
  - (1) Effective May 1, 1998, certified or interim certified individuals shall complete a minimum of seven contact hours of continuing education instruction every two years to be eligible to apply for certification or interim certification renewal.
  - (2) Certified individuals applying for renewal more than three years after the expiration date of the certificate or interim certificate shall retake the required DHS-approved lead-related construction course and comply with section 35095(a)(3)(A), 35095(b) to be eligible to apply for certification renewal.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## **Article 14. Suspension or Revocation of Certification or Interim Certification.**

### **§35097. Action to Suspend or Revoke Certification or Interim Certification.**

- (a) Certification or interim certification may be suspended or revoked by the Department for:
  - (1) Any false statement in the application;
  - (2) Violations of relevant local, state, or federal statutes or regulations;
  - (3) Misrepresentation, failure to disclose relevant facts, fraud, or issuance by mistake;
  - (4) Failure to comply with California Code of Regulations, Title 17, sections 36000 or 36100; or
  - (5) Failure to comply with any relevant regulation or order of the Department.
- (b) Suspension or revocation and an appeal of any suspension or revocation shall be conducted in compliance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (c) Prior to suspension or revocation, a certified or interim certified individual shall be given an opportunity, except in the case of willful violation or threat to public health and safety, to remedy deficiencies that may result in suspension or revocation.
  - (1) The certified or interim certified individual shall be given a statement which includes the Department's findings, an explanation of what the certified or interim certified individual shall do to comply with the regulations, and the time period in which the certified or interim certified individual shall act.
  - (2) The certified or interim certified individual shall remedy the deficiencies within a reasonable time specified by the Department which shall be no more than 30 calendar days after the issuance date of the statement of deficiencies.
- (d) Any individual whose certification or interim certification has been suspended or revoked shall not be eligible to perform activities which require DHS lead certification.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## Article 15. Enforcement.

### §35099. Funding for Enforcement.

The amount of \$100,000.00 shall be allocated to the Division of Occupational Safety and Health annually to be expended for the division's costs of enforcing compliance with training and certification requirements.

Note: Authority cited: Sections 100275, 105250, and 124160, Health and Safety Code. Reference: Sections 100275, 105250, and 124160, Health and Safety Code.

## Article 16. Work Practice Standards.

### §36000. Requirements for Lead Hazard Evaluation for Public and Residential Buildings.

- (a) Lead hazard evaluation for public and residential buildings shall:
- (1) Be conducted only by a certified lead inspector/assessor. The certified lead inspector/assessor conducting lead hazard evaluation shall not conduct abatement on the same structure.
  - (2) Be conducted in a manner in which paint, dust, and soil samples are tested in accordance with the procedures described in Chapter 5: *Risk Assessment*, section II (A)(B)(C)(D), "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, June 1995 and Chapter 7: *Lead-Based Paint Inspection*, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, 1997 Revision, and which provides quantitative results.
  - (3) Be conducted in a manner in which paint, dust, and soil samples taken for laboratory analysis are analyzed by a laboratory that is recognized by the U.S. Environmental Protection Agency pursuant to United States Code, Title 15, Section 2685(b).
  - (4) Be documented in a lead hazard evaluation report which shall include a completed Department of Health Services (DHS) Form 8552 (12/97) and the following attachments:
    - (A) A foundation diagram, site map, or sketch of the structure, indicating the specific locations of each lead hazard or presence of lead-based paint, and results of the visual inspection, if applicable;
    - (B) A summary of each testing method, device, and sampling procedure used;
    - (C) A description of testing and sampling locations; and
    - (D) The results of laboratory analysis on collected samples, if applicable, including the name, address, and telephone number of each laboratory.
- (b) The certified lead inspector/assessor conducting the lead hazard evaluation for a public or residential building shall retain the original completed copy of DHS Form 8552 (12/97) and attachments for a minimum of three years and distribute copies as follows:
- (1) A copy of the completed DHS Form 8552 (12/97) and attachments to the person who ordered the lead hazard evaluation;
  - (2) A copy of the completed DHS Form 8552 (12/97) to the Department within thirty days of completion; and
  - (3) A copy of the attachments to the Department upon request.
- (c) In addition to the requirements specified in subsections (a) and (b):
- (1) A lead inspection shall be conducted in accordance with procedures described in Chapter 7: *Lead-Based Paint Inspection*, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, 1997 Revision.
  - (2) A risk assessment shall be conducted in accordance with procedures described in Chapter 5: *Risk Assessment*, section II (A), (B), (C), and (D), "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, June 1995 and shall include a written description of abatement options for each identified lead hazard, a suggested prioritization for addressing each lead hazard, and recommendations for a maintenance and monitoring schedule.
  - (3) A clearance inspection shall be conducted:
    - (A) By a certified lead inspector/assessor or a certified lead project monitor.



- (B) In accordance with procedures such as described in Chapter 15: Clearance, sections II-VI, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, June 1995.

Note: Authority cited: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code. Reference: Sections 100170, 105250 (a) and (b), 124160 (b) and 124165, Health and Safety Code; Sections 17200, 17203, and 17205, Business and Professions Code; and Sections 11180 and 11181, Government Code.

### **§36100. Requirements for Abatement for Public and Residential Buildings.**

- (a) Abatement for public and residential buildings which is designed to reduce lead paint or lead hazards for a minimum of twenty years shall be conducted:
- (1) Only by a certified lead supervisor or a certified lead worker. A certified lead supervisor shall be onsite during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement is conducted, the certified lead supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work area in no more than two hours.
  - (2) According to the procedures specified in Chapter 12: Abatement, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, June 1995.
  - (3) Using containment and in a manner which does not result in contamination of non-work areas with lead-contaminated dust, lead-contaminated soil, or lead-based paint debris.
  - (4) In accordance with an abatement plan prepared by a certified lead supervisor, certified lead project monitor, or certified lead project designer which shall:
    - (A) Include the following information:
      1. A detailed written description of the measures and management procedures, including containment, that will be utilized during abatement to prevent exposure to lead hazards;
      2. A detailed written description of abatement, including methods of abatement and locations of rooms and components where abatement is planned;
      3. A recommended schedule for re-inspection, based upon the type of abatement; and
      4. Instructions on how to maintain potential lead hazards in safe condition.
    - (B) Be retained and made available to the Department upon request for a period of at least three years by the preparer.
  - (5) After notification is posted and delivered pursuant to subsection (c). The certified lead supervisor conducting abatement shall retain records of notification for at least three years.
  - (6) In a manner in which after abatement is completed, a clearance inspection is conducted in accordance with Section 36000(a) and Section 36000 (c)(3) of this Chapter.
- (b) Abatement for public and residential buildings which is designed to reduce lead paint or lead hazards for less than twenty years shall be conducted:
- (1) According to procedures specified in Chapter 11: Interim Controls, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, June 1995.
  - (2) Using containment and in a manner which does not result in contamination of non-work areas with lead-contaminated dust, lead-contaminated soil, or lead-based paint debris.
  - (3) In a manner to ensure that the work area has no lead contaminated dust following the completion of abatement.
  - (4) In a manner to ensure that a clearance inspection is conducted following the completion of abatement, if abatement was conducted in response to an identified case of lead poisoning as defined in Section 105280(b) of the California Health and Safety Code.
  - (5) After notification is posted and delivered pursuant to subsection (c).
- (c) Prior to conducting abatement, the individual conducting abatement shall provide notification by completing an Abatement of Lead Hazards Notification, DHS 8551 (12/97), form and:
- (1) Posting at all entrances to the work area a copy of the completed form which shall not be removed until abatement has been completed and, for abatement conducted pursuant to subsection (a), a clearance inspection has been completed; and
  - (2) Delivering a copy of the completed form to the Department. Except for abatement conducted in response to an identified case of lead poisoning as defined in Section 105280(b) of the Health and

Safety Code, the completed form shall be delivered to the Department at least five days prior to conducting abatement.

- (d) Any individual conducting abatement or disturbing lead-based paint without containment shall permit the Department, or enforcement agencies, as specified in the California Health and Safety Code Sections 17960, 17961, and 17965, to access work areas to determine compliance with the requirements of this section.

Note: Authority cited: Sections 105250 (a) and (b), 124160 (b), and 124165, Health and Safety Code. Reference: Sections 17960, 17961, 17964, 17970, 17972, 17980, 100170, 100175, 105250 (a) and (b), 105280(a), 124160 (b), and 124165, Health and Safety Code; Sections 3494, Civil Code; Section 17200, Business and Professions Code; Section 17274 (b), Revenue and Taxation Code; and Sections 11180 and 11181, Government Code.